

DEVAL L. PATRICK Governor

TIMOTHY P. MURRAY Lieutenant Governor

COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS DEPARTMENT OF ENVIRONMENTAL PROTECTION

ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

IAN A. BOWLES Secretary

> LAURIE BURT Commissioner

December 29, 2009

Commercial Real Estate River Bank 30 Massachusetts Avenue North Andover, Massachusetts 01845 Attention: Richard L. Archambault, Vice President

Re: New Ventures LLC Standby Trust Account No. 00837005453 Instruction to Make Payment Pursuant to the Corrective Action Standby Trust Agreement

Dear Mr. Archambault:

Pursuant to Paragraph 6 of the Corrective Action Standby Trust Agreement dated October 20, 2003 ("Trust Agreement") and as amended on October 8, 2009 and October 28, 2009, entered between New Ventures Associates, LLC ("New Ventures") and River Bank ("Bank"), as Trustee, for the benefit of the Massachusetts Department of Environmental Protection ("MassDEP" or the "Department"), MassDEP hereby instructs and directs the Bank to pay to Recovery Drilling Services, LLC of Dudley, Massachusetts a total of Fifteen Thousand Eight Hundred and Ninety-Two Dollars (\$15,892.00) from the Trust Account.

Pursuant to the Memorandum of Agreement ("MOA") dated October 5, 2009, as amended on November 24. 2009, entered between New Ventures, MassDEP, and the Attorney General, Recovery Drilling Services, LLC conducted certain tasks that the Department deemed necessary to complete proper closure of the Crow Lane Landfill in Newburyport, Massachusetts. Recovery Drilling Services, LLC performed the tasks and submitted the following enclosed invoices to MassDEP:

Invoice Number

Date

Amount

228

9/29/2009

\$15,892.00

Total: \$15,892.00

In addition, pursuant to the MOA Recovery Drilling Services, LLC has submitted a Contractor's Certification of the work and SITEC Environmental of Marshfield, Massachusetts has reviewed and certified the work and invoices. MassDEP approves SITEC's certification and the invoices for payment in full.

Kindly send payment to:

Recovery Drilling Services, LLC 157 West Main Street P.O. Box 53 Dudley, Massachusetts 01571

With copies to:

William Thibeault New Ventures Associates, LLC 85-87 Boston Street Everett, MA 02149

Eric Fahle MassDEP Bureau of Waste Protection **Business Compliance Section** 1 Winter Street Boston, MA 02108

Richard J. Chalpin Regional Director MassDEP - NERO 205B Lowell Street Wilmington, MA 01887

Richard A. Nylen Jr, Attorney at Law Lynch, DeSimone & Nylen, LLP 12 Post Office Square Boston, MA 02109

Matthew Ireland, Esq Assistant Attorney General **Environmental Protection Division** One Ashburton Place Boston, MA 02108

Should you have any questions about this matter, please contact Eric Fahle at (617) 292-5970.

Very truly yours,

By:

Steven A. DeGabriele, Division Director

Business Compliance Division

Date:

12/29/09

Enclosures: Invoices, Contractor Certification, Sitec Certification



DEVAL L, PATRICK Governor

TIMOTHY P. MURRAY Lieutenant Governor

COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS DEPARTMENT OF ENVIRONMENTAL PROTECTION NORTHEAST REGIONAL OFFICE

205B Lowell Street, Wilmington, MA 01887 • (978) 694-3200

IAN A. BOWLES Secretary

LAURIE BURT
Commissioner

MEMORANDUM

Date: December 23, 2009

To: Eric Fahle MassDEP/Boston-BWP

Copy: Richard J. Chalpin, Regional Director MassDEP/NERO

Michael Dingle, MassDEP/Boston-OGC

Matthew Ireland, Attorney General Office/Boston

From: John A. Carrigan MassDEP/NERO-BWP/Solid Waste

Subject:

Crow Lane Landfill

Facility Master File No: 39545 Recovery Drilling Services, LLC Authorization to Release Funds

Invoice No.: 228

Eric:

Pursuant to the Memorandum of Agreement (MOA) dated October 6, 2009 entered between New Ventures Associates, LLC, MassDEP, and the Attorney General, I have reviewed the certification submitted by SITEC Environmental ("SITEC") of Marshfield, Massachusetts for work performed by Recovery Drilling Services, LLC 157 West Main Street, P.O. Box 53, Dudley, Massachusetts including the attached invoice number: 228.

Based on my review, pursuant to the MOA, I approve SITEC's certification and authorize disbursement of funds in the amount of (\$15,892.00) to Recovery Drilling Services, LLC pursuant to the MOA and the Corrective Action Standby Trust Agreement dated October 20, 2003 ("Trust Agreement"), as amended on October 8, 2009 and October 28, 2009, entered between New Ventures Associates, LLC ("New Ventures") and River Bank ("Bank"), as Trustee, for the benefit of the Massachusetts Department of Environmental Protection ("MassDEP" or the "Department"). Enclosed with this memorandum are copies of Recovery Drilling Services, LLC's invoice number: 228 and Contractor Certification, and SITEC's Certification.

Should you have any questions please contact me at (978) 694-3299.



769 Plain Street, Unit C Marshfield, Massachusetts 02050 TEL (781) 319-0100 FAX (781) 834-4783

MENORANDUM

To: Commonwealth of Massachusetts

Department of Environmental Protection

Attn:

Richard Chalpin, Regional, Director

From: Date:

Mike Quatromoni December 22, 2009

Re:

Crow Lane Landfill Closure, Contractor Invoice Certification

Recovery Drilling Services, LLC

This certification is being provided in accordance with 310 CMR 19.011 and the Memorandum of Agreement (MOA), dated October 5, 2009, between the Commonwealth of Massachusetts and New Ventures Associates, LLC. Please be advised that SITEC Environmental, Inc has reviewed Invoice No. 228, dated 9/20/09 from Recovery Drilling Services, LLC for the drilling and installation of landfill gas extraction wells at the Crow Lane Landfill. Copies of this invoice and associated documents are attached. This work was conducted on September 16 and 17, 2009.

Also attached are the drilling /well Installation logs for the three wells installed. The total depth drilled from the logs is 186 feet, which corresponds with the depth for which payment is requested on the invoice. The invoice also includes a Mobilization charge in the amount of \$2,500.00. SITEC oversaw the work described in the Contractor Certification and certifies that the work described therein has been completed as required by the Final Corrective Action Design Plan.

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties both civil and criminal for submitting false information including possible fines and imprisonment.

Signature: Michoo Just no moni

Name:

Michael Quatromoni

Title:

Project Manager

Relationship to NVLLC:

Engineering Consultant

Legal Interest in Facility:

None

RECOVERY DRILLING SERVICES, LLC

157 West Main Street P.O. Box 53 Dudley, MA 01571

Date	Invoice #
9/29/2009	228

Bill To

New Ventures Associates LLC 85-87 Boston Street Everett, MA 02149 Attn: Stove Trettel

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DRAFT FOR DISCUSSION

ATTACHMENT B

CERTIFICATION OF WORK AND REQUEST FOR PAYMENT

- 1. This Certification is contemplated by the Memorandum of Agreement ("Agreement") executed by and among the Commonwealth of Massachusetts, acting by and through the Attorney General and the Massachusetts Department of Environmental Protection (the "Department") and New Ventures Associates, LLC ("New Ventures") on [date] and is intended to secure the release of funds held at [Bark] and established pursuant to a Stark by Trust Agreement established by and among New Ventures and Bank on October 20, 2003. All terms used in this Certification shall have the same meaning as they have in the Agreement.
- 2. The undersigned Contractor has incurred costs for the performance of closure activities (installation of FML, landfill gas extraction wells and/or blasting of Basin 1) described in the Agreement. These activities were performed on the following date(s) for performance of the work indicated:

Date(s)

Nature of work performed

Itemized Costs

- 3. The foregoing costs are itemized in the documentation (signed invoices, etc.) attached hereto.
- 4. The foregoing costs do not include any of the following: (a) fees, charges, or costs related to services of attorneys; or (b) fees, charges, or costs of any work, service or task performed by any director, officer, principal, employee or servant of New Ventures, Wood Waste of Boston, LLC, or William Thibeault.
- 5. I hereby certify that the above-specified work in the amount(s) indicated below was performed as described berein.

Payment Amount

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DRAFT FOR DISCUSSION

In witness whereof, the undersigned has executed this Certification under the paint and penalties of perjury this 14 ties of OCT 2009.

As Comparate Officer of Contractor, duty authorized

Sworn and subscribed before me this Hay of OCT 2009

Notary Public Му ссттівної вхрись: KATHLEEN LAVOIE

Notary Public Commonwealth olistasseshusetts My Commission Explies June 17, 2016

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FAX HEADER 1: BUREAU OF ADMIN

FAX HEADER 2:

TRANSMITTED/STORED : DEC. 29, 2009

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DEVAL L. PATRICK Governor

TIMOTHY F. MURRAY Lieutenant Governor

COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS DEPARTMENT OF ENVIRONMENTAL PROTECTION ONE WINTER STREET, BOSTON, MA 021,08 617-292-5500

> IAN A. BOWLES Secretary

LAURIE BURT Commissioner

BUREAU OF WASTE PREVENTION **BOSTON OFFICE** FAX #: (617)556-1063

TO: RICHARD C. ARCHAMBAULT
FAX#: 1908-728-7607
FROM: ERIC FAHLE 1-617-292-5970
DATE: 12-29-2009
NO. OF PAGES: 13 INCUIDING COURS
SUBJECT: TRUST PAYMENT AUTHORIZATION - CROW CANT CONTRACTORS
DATE OCIACIANOS
AMOUNT \$ 15,892.00
CONTRACTOR RECOVERY DRILLING SERVICES, LLC.

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